

National Broadcasting
Company, Inc.

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July 31, 1998

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20054

Re: MM Docket No. 87-268
WNBC, New York, NY
Request for Extension of Time

Dear Ms. Salas:

National Broadcasting Company, Inc. ("NBC"), licensee of WNBC, New York, NY, respectfully requests an additional three-month extension of time to submit its application for a construction permit for DTV Channel 28 in New York City.

By letter dated May 28, 1998, the FCC staff granted WNBC's previous request, filed on April 28, 1998 for an extension of time to file its DTV construction permit application. That earlier-filed extension request set forth in great detail the efforts WNBC had undertaken to secure an agreement with the Port Authority of NY & NJ ("Port Authority") to locate its DTV facilities atop the World Trade Center, and that request is incorporated by reference here.

We believe that we have made significant progress towards reaching an agreement with the Port Authority and we are optimistic that we will be able come to a mutually agreeable resolution with the Port Authority shortly. An additional three-month extension of time is required, however, to allow the parties to complete the requisite engineering analysis and negotiations.

In our April 28 letter, NBC explained that Television Broadcasters All Industry Committee ("TVAIC") had been in discussions with the Port Authority to build a temporary facility atop the North Tower of the World Trade Center to accommodate the broadcasters' DTV facilities while a permanent, new master tower would be built atop the South Tower of the World Trade Center. In late May, however, NBC met with representatives of the Port Authority who indicated that they did not believe that negotiations on the temporary tower concept would proceed in a positive direction. The Port Authority suggested to NBC that we consider using a vacant aperture on the existing antenna mast on the North Tower. To the best of our knowledge, the Port Authority had never previously offered this as an alternative to the short tower proposal.

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Use of this vacant aperture for DTV operation is less desirable than use of a separate tower because of potential coverage problems. In addition, use of this vacant space had been previously considered by the TVAIC but was rejected in favor of pursuing the separate antenna approach which provided better coverage and could accommodate all the NY television stations.

With the negotiations on the short tower proposal stalled, NBC determined it was essential to examine this other alternative which would enable us to get on the air in the shortest amount of time. Preliminary engineering studies indicate that this space can accommodate the DTV antennas for 4-5 television stations. The final results of the engineering analysis are expected by August 7, 1998. The Port Authority has expressed its willingness to negotiate with WNBC and others for a lease for this vacant slot to accommodate the DTV facilities, and NBC has begun such negotiations. We have also discussed this alternative with several other broadcasters who have responded favorably.

The owners of the Empire State Building, along with CBS, recently made a presentation to the TVAIC where it was suggested that several additional television station's DTV facilities can be accommodated atop the Empire State Building. NBC is hopeful that between Empire and use of the vacant slot on World Trade Center, all of the New York and New Jersey television stations will be able to find a home for their DTV facilities.

NBC remains committed to continuing its aggressive efforts to resolve this tower situation as quickly as possible. We are prepared to proceed to complete negotiations for the terms of a lease as soon as the final engineering study is finished, which is scheduled for August 7. We are requesting an additional three-month extension of the application deadline, from August 1, 1998, to November 1, 1998 to allow NBC time to bring the current negotiations to a successful conclusion.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,


Diane Zipursky

cc: Chairman William E. Kennard
Commissioner Susan Ness
Commissioner Harold Furchtgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani
Roy Stewart
Barbara Kreisman
Clay Pendarvis